

BLOGGING — A PERSONAL CONNECTION TO BUSINESS

Leslie A. Gordon

A few years back, real estate litigator **Julia Wei** attended a private money-investors conference populated by clients and potential clients. An attendee sat down next to her, glanced at her nametag and announced, “I’ve read your work blog!”

Dirtblawg (dirtblawg.com), launched by Wei four years ago, provides commentary and insight on real estate and lending law, mortgages, and foreclosures. “At the time, I felt like a late adopter because my friends and clients had all been blogging a long time,” she recalls. “But for an attorney, I was an early adopter.”

Posting about twice a month, Dirtblawg receives as many as three hundred visitors a day. “I saw the Internet as a publishing medium,” Wei explains about her impetus to start a blog. Low-cost and straightforward, to Wei blogging seemed a “good turnkey solution” compared to a full-blown website, for which nontechnic lawyers may need professional HTML and graphic artist help.

“I absolutely do get cli-

ents” because of Dirtblawg, says Wei, who also has a personal blog devoted to knitting. “I recently started looking at my Google Analytics [a web tracking tool] and found that there’s a high correlation between new clients who call me and blog readers. Plus, plenty of attorneys read my blog. I’ve received client referrals from attorneys in different practice areas, such as family law and estate planning.”

Blog—short for “web log”—is a form of social media with certain conventions, such as putting the most recent entry or “post” at the top of the web page. For lawyers, blogs can be a no- or low-cost way to build brand identity and demonstrate professional expertise. While reliable data about the number of blogs is scarce, particularly because blogs appear and disappear each day, estimates go as high as 400 million. While lawyers were, as Wei says, late to the blogging party, legal blogs are now a mainstay in the blogosphere.

For Wei, blogging is one part of her overall social media strategy, which includes Twitter and reading and commenting on other blogs, all of which pay dividends. “Recently, I asked a new client, ‘How’d you hear about us?’ and he said, ‘Yelp.’ I was amazed because I thought Yelp was just for restaurant reviews,” she quips.

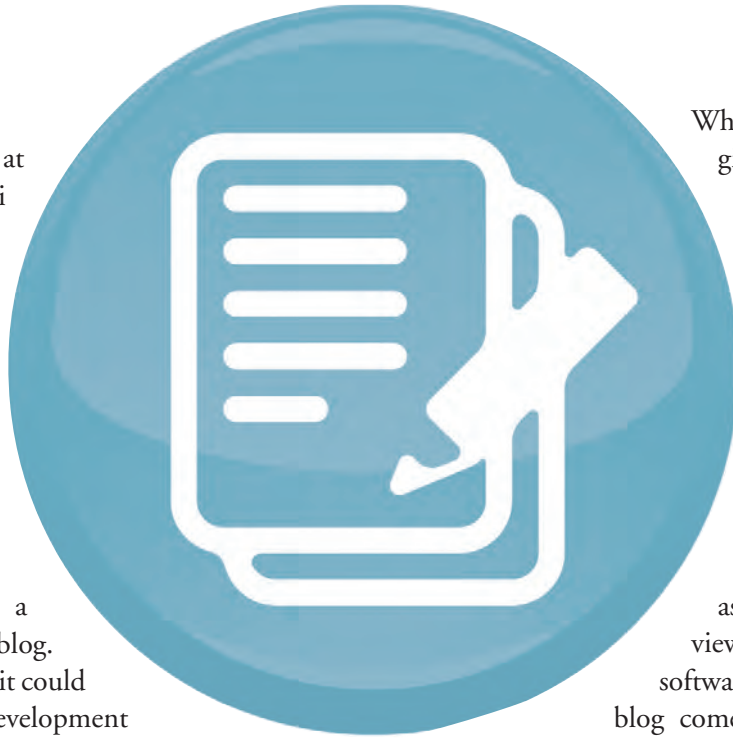
Blogging may be particularly well suited to smaller firms and solo lawyers. “You don’t need to make decisions by committee, you don’t need infrastructure,” says Wei, who may at some point transform her blog posts into a book intended for private money investors. “Blogging is labor-intensive, but not prohibitive.”



Steve Mayer, a partner at Howard Rice Nemerovski Canady Falk & Rabkin, started blogging about the California constitution two years ago (calconst.blogspot.com). He posts about court cases, news events, and initiatives that affect the California constitution.

“I thought it might fill a void,” Mayer says of his blog. “And, candidly, I thought it could be a useful business-development tool because I’ve done a lot of litigation related to the California constitution.”

While no client has yet told Mayer, “I saw your blog, I’d like to hire you,” Mayer believes there’s still an indirect business development benefit. Blogging “gets your name out there. It’s like any business-development tool. You throw a lot of stones in the water. Some will make waves. You don’t know which ones will reach the shore.”



When Mayer first started blogging, he posted a few times a week. Lately, he’s blogged a couple of times a month. “I haven’t posted as much lately because I’ve been very busy being a lawyer and there hasn’t been that much happening in terms of content. I intend to post more often as events and cases develop.” Still, Mayer gets as many as one hundred views a week. His blogging software indicates that hits to his blog come primarily from attorneys with cases he blogged about, other law firms, and state and local government, including administrative court offices.

Crafting a post can take as little as ten minutes or as long as forty-five minutes, says Mayer, who is a devoted reader of political and U.S. Supreme Court blogs. One challenge in drafting is considering the audience’s sophistication, particularly when readers can be anyone on the web. “I’m apt to slip into shorthand,” he says. “Should I assume the audience knows what I mean?”

Actual or prospective client conflicts are also a consideration. “Our firm was involved in the challenge to Prop 8. I was the first blogger to provide pleadings in the case. But I restricted myself to a neutral narrative because I was peripherally involved. I was careful.”

Otherwise, though, Mayer sees few downsides to blogging. “At worst, you do it and no one reads it and you don’t get business out of it.”

Eric Goldman, a professor of Internet, intellectual property, and advertising law at Santa Clara Law, is well-known in the Bay Area legal blogosphere because he hosted a gathering of local legal bloggers in early 2007. “I saw value in trying to get them together to see what



would happen,” he says. The first of four events drew forty-five people.

There’s a big difference between 2007 and now, according to Goldman. “Blogging used to be informal. It drew those lawyers who were more adventurous regarding technology and had something to say. But blogging has gone corporate. The last four years, there’s been a huge influx of law firms with deliberate SEO [search engine optimization] strategies who want to demonstrate their expertise. Now blogging is a machine with very express goals. It’s not bad, just different.” Goldman, who reads 150 blogs through his RSS feed (a blog subscription aggregator), adds that there’s now “elasticity between blogging and other social media like Twitter and Facebook.”

As the web becomes populated with corporate legal blogs seeking higher placement in search engine results, readers will quickly filter through the slapdash blogs that lack polish and find the lawyers who take time to craft informative, reader-friendly posts. Though time is already in short supply for many lawyers, a commitment to producing quality posts will pay off.

Gene Takagi posts twice a week on his blog about corporate and tax law for nonprofit organizations (www.nonprofitlawblog.com) and receives as many as six hundred hits a day. As a result, he’s been asked to speak at both ABA and BASF events. “Blogging really makes it so much easier to network, especially if you’re shy about approaching strangers at a conference. It helps when you have name recognition—people come up to you.”

When he launched the blog five and a half years ago, his goal was to share valuable information with nonprofits and, “by researching and writing the articles, it would be a good way to expand my own knowledge.” At least 50 percent of his new clients find him because of the blog, says Takagi. “Blogging is also deepening the relationship I have with existing clients. They see me keeping them up to date as a bonus to the services I’m already providing.”

The biggest downside of blogging, according to Takagi, is time. Not only does it take time to draft the posts (“If you don’t do it on a regular basis, you won’t develop established readership,” he says), it takes time to respond to the increasing number of calls he receives as a result of the blog. “The majority of people calling are not going to become clients. But my personal goal is to help charities, so I’m willing to spend the time.”

For some attorneys, blogging satisfies that innate lawyerly need to write creatively. **Kevin Underhill**, a litigator at Shook Hardy & Bacon, launched *Lowering the Bar: Legal Humor, Seriously* (www.loweringthebar.net) in 2006. Since then, it has received 2 million views. Pages are devoted to cases with funny names, humorous court opinions, and attorney advertising. He’s compiling a library of comical pleadings in the hope that it will become a unique online archive.

“I’ve always been looking for outlets for creativity,” he explains. Before blogging, Underhill periodically wrote emails with funny news stories and crafted an April 1 parody of the firm’s official newsletter. “The blogging software makes it so easy. You can post something to the Internet without needing to know [HTML] code. You can focus on the writing.”

If a post is popular, other sites will pick it up, and some of those new readers will stay. “I get a lot of spikes,” explains Underhill, who tries to post every day and once received fifty thousand hits in a single day. “But the bulk of it happens over time. It’s important to have an RSS feed set up so readers can subscribe [to your posts]. It’s also important to reach out to existing bloggers, get to know people a little, because you’ll get a lot of traffic if they repost something from your blog.”

Underhill deliberately disabled comments on his blog “because what you get is uneven. And moderating comments before publishing is too much work.” He does receive direct emails from readers.

Crafting a post takes Underhill anywhere from fifteen to ninety minutes, with much of the work simply verifying stories with primary sources. He writes a few posts at a time over the weekend and, with his blog software, schedules them to appear later in the week. “I have much more material than I could ever get to.”

Though Underhill did not ask permission from his firm because the blog is “purely personal,” the blog has had business development benefits. He’s turned some of his

posts into presentations, including one about intellectual property cases to in-house lawyers at Microsoft. “The blog has allowed me to get in front of clients in ways I wouldn’t have otherwise.” He also writes a condensed version of the blog for Forbes.com. Underhill’s goals include increasing traffic and doing more presentations. He also wants to convert his seventeen hundred blog posts—hundreds of pages in a Word file—into a book-form collection of essays.

The firm is, according to Underhill, “tolerant” of his blog. “I try to be responsible. I have ground rules. For example, I don’t write about clients. There are no big cons to blogging if you’re fairly responsible about what you write.”

Perhaps one of the biggest advantages of blogging is that his writing—including his professional writing—has improved. “You always hear, if you want to be a writer, you have to write. You have to practice,” he says. “I’m writing five hundred words a day. The writing improves and it gets easier. It’s even easier to write five to ten pages of legal work because I’m writing regularly for the blog. It’s been remarkable to me how much easier it has gotten when you get in the habit of doing it.”

For in-house lawyer [Colin Samuels](#), blogging began in 2005, when he was an avid reader of political blogs. Through that, “I stumbled across a legal blog,” he recalls. “The thought had never crossed my mind you could use a blog to talk about legal issues.” He was intrigued by the hosted, user-friendly blogging software. “There was no need to buy anything. All I had to do was sign up.”

Samuels, who handles contracts and tech issues at a software company, wrote a half-dozen posts in a week “mostly just out of curiosity,” he says. “You write, hit send, and it appears on-site without a lot of effort.” Today, his blog [Infamy or Praise](#) ([infamyorpraise.blogspot.com](#)) “watches, summarizes, and gathers” the best of legal blogging over the week. “I put people in touch with each other.”

While his blogging has “waxed and waned over the years,” Samuels has settled in to regular features on Mondays, Wednesdays, and Fridays. “In the early days,



I was lucky to get a hundred” readers, he says. “These days, I average many times that. Traffic is coming from Twitter links and the Above the Law and Blawg Review blogs.”

In his posts, Samuels tries to avoid mentioning his employer. “I certainly don’t speak for them,” he explains. “Early on, management was reticent to see me blog. Now the company has its own social media presence. But I don’t feel the need to market myself. I’m not trying to get clients.”

He’s noticed, in fact, a real split in the blogging community about self-promotion. In 2005, there was no marketing of blogs because, he says, there was no traffic. “If you said, ‘Hey, check out my blog,’ it was laughable. That has changed now. There’s greater awareness of and support for blogging. State bars even have CLE programs on blogging.” In fact, whether marketing should be a part of blogging has turned into what he calls “an acrimonious debate.”

Blogging has become more of a commodity, an industry, with companies springing up that will sell turnkey blogs. “Not only will they design it and set it up, they’ll now staff it with minimum wage J-school nonlawyers who write the legal content,” Samuels says. It’s all part of search optimization strategy, the “race to the top of Google results. The idea is that if you’re at the top, you’re perceived as an expert.”

Yet as an in-house lawyer, Samuels says he’s absolutely hired attorneys he’s met through the blogosphere. “Blogging is a personal connection and that is the best way to judge someone,” he explains. “I have connections with people all over the country now and I tend to think of those people first” when legal needs arise.

Similarly, [Linsey Krolik](#), an intellectual property lawyer, has been hired by blogging friends for legal services even though her parenting blog is not related to the law. “Legal services is such a personal relationship,” she says.



“It helps for someone to be able to get to know you. Clients are looking for personality in the website, even though I’m not talking about legal services. I know the parenting blogger community well. People come to me personally because they know me.”

Krolik has also spoken at a conference about legal issues related to blogging. “Bloggers who’ve had success don’t know how to protect themselves.” She advises them about copyright and trademark issues, disclosing perks, incorporation, and compliance with FTC guidelines.

Her blog, [www.metooyoublog.com](#), began in 2006 when her youngest daughter was born. “It was intended to be a birth announcement. I didn’t really know what a blog was at that point,” she recalls. “What ended up happening was that my daughter was very ill with pulmonary hypertension. It was quite a roller coaster. The blog was a way to stay in touch with friends and family about what was happening—it became a lifeline for me.”

Once her daughter recovered, the blog morphed into an outlet for Krolik to write about parenting, travel, and lifestyles. “I’d always been into writing—it was one of the reasons I went to law school. I always wanted to do more creative writing.” Since then, the blog, which gets about two thousand views a month, has evolved into “more than a family blog. It’s turned into a business.” She occasionally gets paid for writing posts and sometimes is sponsored to attend events.

Like Krolik, [Omar Moore](#) turned a blog about personal interests into a second career. He’s been blogging about film for seven years at the Popcorn Reel ([popcornreel.com](#)). Through his online presence, Moore landed a contributor position with Roger Ebert’s revamped *At the Movies* television show, which will begin airing early next year.

Moore, who graduated from law school in 2001 and is licensed in New York, has been doing contract legal work in San Francisco. He updates his website, which gets more than 470,000 hits a month, at least every day. He posts to his accompanying blog (The Blog Reel) less frequently, but expects to pick up the pace when the TV show begins to air. He also plans to continue doing contract legal work.

“Blogs tend to be more personal” than websites, Moore says of the difference between the two. “It’s important to have a voice as a writer. But sometimes you want to go beyond the personal. A website can be broader, more expansive. You can offer different types of features, different angles on a story. Blogs are more niche, more centered.”

While blogging has taken off in the legal world, podcasting has not yet hit its stride in the industry. A podcast is an audio or video broadcast made available to anyone over the Internet. Services like iTunes allow listeners to subscribe to podcast episodes. While a few legal podcasts have emerged—including This Week in Law and May It Please the Court—the numbers are few compared to blogs.

The reason, according to Santa Clara’s Goldman, is that a good podcast requires more technology than a blog. Also, many lawyers may not be able to devote the time to listen to podcasts. “I can consume content much more quickly by reading it. So a legal podcast is not necessarily an effective tool for lawyers,” he says. “Similarly, I don’t watch YouTube videos because I could read a dozen articles in the time it takes to watch a three-minute video. But for some people, like those who have long commutes, podcasting may be the best medium.”

Underhill, who listens to podcasts, says he’d like to start one of his own. “I have the material. But the reason I haven’t done it is I need to find out how and then get some basic equipment. It’s an extra step. To do it effectively, you need a good microphone, some production values, theme music, a professional touch. But with a blog, you can just start writing.”

While Takagi calls himself an early adopter of blogging, “I would be behind the curve on podcasting. It’s a great idea, as are all of the multimedia tools: accessing blogs

through handheld devices, podcasts, slide share, video blogs. I hope eventually to move into these spaces.”

For her part, Wei has produced two brief podcasts, primers on basic legal terms, available on Dirtblawg, and she has been researching video podcasts. “I plan to do more educational podcasts as a pro bono service.”

Although podcasting requires some familiarity with audio editing, Wei has been able to create hers simply with her Macintosh laptop, which came loaded with hardware to record and software to edit. “I didn’t buy anything fancy.” She scripts the five-minute presentations, practice-reads, and then records and rerecords three to five times.

According to Samuels, podcasting experienced “a flurry one or two years ago. The big question was ‘Will this kill blogging?’ But that kind of blew up. Podcasting never really caught on. It requires more difficult technology and takes more effort than writing. Plus, lawyers as a group are a little time-crunched and it’s more of a commitment to sit and listen. With writing, you can skim, read at leisure, or print out and read someplace else.” Rather than podcasting, Samuels says, “really everyone’s gone to Twitter.”

Ah, Twitter. Goldman, an avid Twitter user, concedes that Twitter’s microblogging format is “a limited tool. It’s hard to demonstrate brilliance in 140 characters. There can be no sharp observations; you leave out nuances. Twitter is a complement, not a substitute, for blogging. It has fabulous curation value, but it’s not a place to originate content. I can repost a headline and link to a blog post, for example, and save someone some time.”

As for the future of blogging, podcasting, and other social media for lawyers, Goldman says, “There will always be room for sharp, insightful analysis, whether through a podcast, YouTube, a blog, or the web. I don’t know which technology will take over. I’m agnostic in that way.”

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SO YOU WANT TO START A BLOG?

ADVICE FROM THOSE WHO DO IT

◆ Start out as a guest blogger to test your online writing voice and to see how you like the technology and the process, Santa Clara Law's Eric Goldman recommends. Or consider teaming up with a colleague and launching a multiperson blog to lighten the load and add value for readers.

◆ "Don't be objectionable in photos or language," Omar Moore says. "Develop a distinct identity and brand for yourself. There are millions of blogs. Be consistent and prolific for your readers. If you post on a daily basis, you'll see your audience grow. They'll depend on you. Also, develop a little bit of knowledge about the web and marketing yourself on the web."

◆ "You have to write about what interests you," IP lawyer Linsey Krolik says. "I don't want to write about negotiating contracts in my spare time." WordPress is Krolik's preferred blogging platform. "They have [conferences for newbies] called WordCamp. It's inexpensive and provides good basics. Another good resource for attorney bloggers in particular is the Citizen Media Law Project, run by Harvard."

Krolik also cautions that attorneys "can't just publish a blog and not interact with the communi-

ty. Social media is social. It's not just spamming people. It's not just putting out information and expecting people to find you in a Google search. You have to have cross-linking for blogging to work and to be authentic. Read blogs in your area to learn about style and home in on what you're interested in."

◆ Use specific words in your blog writing, which will result in better placement on Google searches, Dirtblawg founder Julia Wei recommends. "My posts have a lot of meat," she explains. "I generate a lot of original content—it's not just a lot of links. I treat my blog as a newsletter, a publishing tool."

◆ "Pick something you are personally really interested in; then it won't seem like work," Shook Hardy Bacon's Kevin Underhill suggests. "Blogging is a big time commitment. If you don't enjoy it, you just won't do it." He recommends posting "at least daily if you want a lot of traffic."

◆ Select your niche carefully, corporate and tax law blogger Gene Takagi advises. "Don't just duplicate everything else. Differentiate yourself. Approach your blog's design and content from that perspective."